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Attorneys for Defendants  
GOOGLE LLC and YOUTUBE, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KIMBERLY CARLESTE NEWMAN, LISA  
CABRERA, CATHERINE JONES, DENOTRA  
NICOLE LEWIS, ANDREW HEPKINS,  
HARVEY STUBBS, KHALIF MUHAMMAD,  
KEU REYES, and OSIRIS LEY,

Plaintiffs,

v.

GOOGLE LLC, YOUTUBE, LLC, and DOES  
1 through 100, inclusive,

Defendants.

CASE NO.: 5:20-cv-04011-LHK

**DEFENDANTS' STATEMENT OF  
RECENT DECISION**

Before: Hon. Lucy H. Koh  
Courtroom: 8

1 Defendants Google LLC and YouTube, LLC respectfully submit as supplemental authority  
2 the recent decision from Judge Virginia K. DeMarchi in *Daniels v. Alphabet, Inc.*, Case No. 20-cv-  
3 04687-VKD, ECF No. 31 (N.D. Cal. March 31, 2021) (Exhibit 1). Like this case, *Daniels* involved  
4 YouTube's decision to remove or restrict access to the plaintiff's content on its platform. Based on  
5 these similar facts, Judge DeMarchi granted Defendants' motion to dismiss with prejudice, ruling  
6 that the plaintiff failed to state claims for breach of contract, breach of the implied covenant of good  
7 faith and fair dealing, various equitable claims (including conversion), and violation of the First  
8 Amendment. The court further held that these claims were separately barred by both Section  
9 230(c)(1) and 230(c)(2)(A) of the CDA.

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11 Dated: April 14, 2021

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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14 By: /s/ Lauren Gallo White  
Lauren Gallo White

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16 Attorneys for Defendants  
GOOGLE LLC and YOUTUBE, LLC  
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